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(Agent for Komir, Inc.)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

Case No. 19-30088 (DM)

PG&E CORPORATION,

Chapter 11

- and -

(Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

**STATUS CONFERENCE STATEMENT
OF KOMIR, INC., PER MEMORANDUM
DECISION ON MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
COUNTER-MOTION FOR SUMMARY
JUDGMENT**

G Affects PG&E Corporation
G Affects Pacific Gas and Electric Company
O Affects both Debtors

HEARING SCHEDULED:

Date: July 11, 2023
Time: 10:00 AM
Via Video/Teleconference
www.canb.uscourts.gov/calendars

Claimant Komir, Inc., submits the following status conference statement as set by the Court in its Memorandum Decision on Motion for Partial Summary Judgment and Counter-Motion for Summary Judgment entered on June 12, 2023 (Docket No. 13832) (the "Memorandum Decision") concerning litigation procedures for determination of issues remaining after entry of the Orders made pursuant to the Memorandum Decision.

1 **I. MEET AND CONFER**

2 On July 6, 2023, counsel for the parties met and conferred regarding their positions with
3 respect to (1) the issues that remain for determination after the entry of the Orders pursuant to the
4 Memorandum Decision, (2) the manner of resolving those issues, and (3) scheduling.

5 Since the positions of the parties differ significantly, counsel agreed to prepare their separate
6 Status Conference Statements pertaining to the subject matter of their discussion.

7 **II. ISSUES REMAINING FOR DETERMINATION**

8 Komir's position is as follows:

- 9 1. As PG&E acknowledges, in the Memorandum Decision the Court determined that
10 PG&E has no rights under any recorded documents.
- 11 2. Per the Memorandum Decision, no prescriptive rights arose during the pre-2018
12 period.
- 13 3. Per the Decision, the pre-2018 circumstances changed to require any analysis of
14 prescriptive rights to be based upon facts in and after 2018.
- 15 4. Komir not only immediately objected to the changes in 2018 but filed a lawsuit within
16 months thereafter.
- 17 5. A five-year period for exercise of any hostile possession in and after 2018 never
18 materialized prior to the filing of the Complaint.

19 PG&E has not articulated any basis upon which it would now hold any rights to occupy
20 Komir's property.

21 **III. PROCEDURES FOR FINAL DETERMINATION**

22 **A. Further Motion for Summary Judgment**

23 Komir intends to file a further motion for summary judgment for adjudication of any and all
24 claims other than remedy and damages per the statement of position above.

1 Komir proposes the following schedule:

- 2 1. File motion on or before August 4.
- 3 2. Response due September 5, 2023.
- 4 3. Reply due September 19, 2023.
- 5 4. Hearing on October 3, 2023

6 **B. Discovery**

7 In view of the limited issues remaining for adjudication, the scope of discovery is narrow.

8 The only discovery that may potentially be relevant would relate only to remedy and
9 damages.

10 There is no need for, or purpose to be served by, discovery on any other subject matter and
11 PG&E has not specified any relevant remaining subject matter other than remedy and damages.

12 Komir proposes the following:

- 13 1. Completion of written discovery with responses due by September 15, 2023.
- 14 2. Depositions Complete by October 15, 2023.
- 15 3. Expert depositions complete by November 10, 2023.
- 16 4. Trial during the first week of December, 2023.

17 Respectfully submitted.

18 Dated: July 7, 2023

COHEN AND JACOBSON, LLP

20 By: /s/ Lawrence A. Jacobson
21 Lawrence A. Jacobson
22 Attorneys for Claimant and Respondent